23rd January 1948] [Sri K. Madhava Menon]

we have not gone far in that direction. But on one matter, I would have certainly preferred a further step. On the question of marriage, you will find in clause 4 :

'Save as provided in section 5, the conjugal union of an Aliyasanthana female with a male belonging to the same community as such female shall be deemed for all purposes to be a legal marriage, . . .'

"Personally I would have liked the words 'male belonging to the same community as such female' to be omitted. I do not see any reason why a marriage of an Aliyasanthana female with a male belonging to any community provided he is a Hindu, should not be a valid marriage. When the Marumakkatayam Bill was introduced there was the same wording. Subsequently opinion in Malabar was in favour of a change. In the Select Committee the words 'the same community as such female' were omitted and the words 'male belonging to any Hindu community' were added.

4-15 p.m. "There is a very strong opinion in South Kanara that marriages between an Aliyasanthana female and males belonging to that community should be recognized and that has been recognized in the Bill here. That is the main change that has been promulgated now. I do not think I should go into details of the sections, because the sections are more or less the same as before. If any changes are necessary according to custom that is now prevailing, they may be discussed by the Select Committee and I need not take up the time of the House by dealing with section after section."

The motion was put and carried.

THE HON. SRI K. MADHAVA MENON :—" Sir, I suggest that the undermentioned Members of this House be elected to the Joint Select Committee :—

(1) Sri R. Suryanarayana Rao,
(2) ,, D. Manjayya Hegde,
(3) ,, M. Narayana Menon, and
(4) The Hon. Sri K. Madhava Menon."

MR. PRESIDENT :—" Since the Bill is being introduced here first, the Hon. Minister can give the names of the Members of the Select Committee after the concurrence of the Legislative Assembly."

(2) THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947.

* THE HON. SRI KALA VENKATA RAO :—" Sir, I move—

'*That this House concurs in setting up a Joint Select Committee of both the Houses consisting of* 30 *members* (20 *members from the Assembly and* 10 *members from the Council*) *to consider the Madras Estates* (*Repeal of the Permanent Settlement and Conversion into Ryotwari*) *Bill*, 1947 (*L.A. Bill No.* 37 *of* 1947) *and that the following Members of this House be nominated to the said Joint Select Committee.*'

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Mr. President, Sir, I need not take the House through every detail about this Bill which has been before the country particularly before this Presidency during the last four or five months. Every one of the hon. Members of this House would have studied the Bill by now and the motion to-day is only for the reference of the Bill to a Joint Select Committee. After the Select Committee scrutinises the Bill, it will be passed by the Assembly and it will come before this House for discussion.

" Anyhow I would like to tell the House a few general principles that are embodied in this Bill. I need not argue at this stage about the need for the abolition of the zamindaris. The cry for the abolition of zamindaris has been there for a very long time. The Congress Election Manifesto of 1946 gave it out that it will eliminate all intermediaries and create a new system of tenure in the country. In order to give effect to that pledge, I seek to introduce this Bill on behalf of the Government. The House is already aware that it has passed a Bill to prohibit the alienation of communal, forest and private lands in estates in the Province of Madras and also the Madras Estates Land (Reduction of Rent) Bill. One Bill seeks to prohibit alienation of certain defined types of land. The second Bill was to reduce the rental on the zamindari land. There was a fear in the minds of zamin ryots that the rates would be increased before the zamindaris were abolished. No other Province in India has thought of reducing rentals before they abolish zamindaris. Other Provinces which have published their Bills and those Provinces who are considering such Bills have not taken into account the need for reducing the rents in their Provinces. Reduction is not provided for either in the Bills that have been published or that are going to be published. But in Madras we thought that the present rental collected by the zamindars is very high and ought to be brought down. As a matter of fact in 1802 the total rent was Rs. 72 lakhs and they were paying a peshkash of Rs. 48 lakhs. The present rental is over Rs. 2 crores. They have increased it by leaps and bounds. The Government thought that the first duty was to reduce the rents. There has been a proposal from the beginning that the rents should be reduced to the level of 1802; it received the concurrence of both Houses of Legislature in the year 1939. The fear entertained then and even till the beginning of this year was that if we proposed the abolition of the zamindaris, the Secretary of State who had to give his consent to the Bill under the Government of India Act might refuse to give such consent at that time. But on account of our getting independence on August 15, that contention is now gone. Now we are free to introduce a Bill for abolition of zamindaris straightaway. That is the reason why this Government did not take further steps to continue the other Bill published in last January and they have now brought forward this Bill which has to become law. I have spoken in this House before, about the 1802 rates. The main reason for bringing forward this Bill is that the tax structure of our land revenue system should be changed and

put on a scientific basis, whether the rates are of the year 1802 or 1948 or 1702 or 1602. At present a person who owns one acre, or 10 acres or 100 acres or 1,000 acres pays at the same rate of land tax for similar lands, whereas in the case of income-tax and other taxes we pay according to the slab system on a progressive basis. The land system should be based on progressive taxation basis. Our present proposal is that a man who has got one acre of land must pay less than the rate which a man who owns 1,000 acres pays. It is high time that we should introduce this system in this Presidency. In justification of that we are converting all the estates into ryotwari land. When all the lands become ryotwari lands, it will be time to codify the land revenue law and then introduce the system of progressive taxation. Therefore this Bill does not contain provisions for progressive taxation. I am making it clear that it is the intention of the Government to bring in further legislation after this legislation becomes law. We propose to introduce a new system of taxation on progressive lines for all the lands in the Presidency including the present ryotwari lands.

" I must now come to the other important question in this Bill, namely, the question of compensation. There has been a definite opinion in this country and there have been petitions and representations to the Government that the zamindars are not entitled to any sort of compensation. I have made it plain that it is hard to say that we cannot give compensation and will yet make this Bill law. The old difficulty is there; section 299 of the Government of India Act definitely says that, without payment of compensation we cannot abolish zamindaris; therefore we have to give compensation, and that too equitable compensation. I must remind this House that this House passed a resolution in last January or February saying that the Government might bring a Bill to abolish zamindaris on payment of equitable compensation. That resolution could not be discussed in the other House owing to certain other circumstances. Still the opinion of this House is as much binding upon this Government as that of the other House. Therefore we are only following the direction given to us by this House in last February. That resolution used the word 'acquire'. Some objection was made elsewhere that by using the word 'acquire', we are thinking of the Land Acquisition Act and the rest. In the present Bill there is no reference to the Land Acquisition Act. We have made our own provision as a sovereign legislature for the payment of compensation. There was the other question about the quantum of compensation that is being made. According to the Bill, compensation on a sliding scale is provided for. I should like to state that in other provinces the basis *adumbrated* is the present rental minus certain deductions. Deductions are made for irrigation works, for administrative charges etc. These are deducted from the present rentals. That is taken as the basis and a multiple thereof is to be given as compensation. In this matter we are far more progressive than other

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Provinces. We want to adopt a more scientific basis. We have got two-thirds of the land as ryotwari land and only one-third as zamindari land. Therefore we want to bring about a uniform system of land tenure in the Presidency. The best thing to do is to reduce the rental in zamindari areas to the ryotwari level. When the rental is so reduced, we will be taking into consideration the extent of land that was brought under the plough subsequent to 1802. We must take into consideration the present acreage and not the acreage of 1802. Some criticisms have been made with regard to our basis. First we bring the rental in zamindari area down to the ryotwari level. Under the Permanent Settlement Act of 1802, the zamindar took two-thirds and paid one-third to the Government. In certain estates as much as 90 per cent was taken by the Government. There are estates in the Salem district which pay 90 per cent rental as peishcash. But generally the basis adopted was two-thirds and one-third. Even according to the original sanad provision had been made for the construction of dams, for administrative charges, for irrigation sources and a number of other things. Out of 33–1/3 per cent we have to deduct these charges. We have to reduce it by 13½ per cent, so as to cover administrative charges and irrigation charges. We must have some basis to be guided by. You will see that the basis is only one-third of the ryotwari rental. That cannot be said to be much.

" The next criticism levelled is why are you giving 17½ or 20 times the basis as in the case of the Land Acquisition Act. That is the question raised. I would like to answer that criticism by saying that it depends upon the basis of compensation. The multiple is not the consideration. If the basis is very low, there is no harm if the multiple is very high, because 25 times one is 25 and 5 times 5 is also 25. It is both 25 in both cases. Therefore if we reduce the basis to a reasonable level, we need not be terrified by the multiple, even if it is 33 times. We have gone into the whole question on a scientific basis and we have satisfied every criterion. We have taken into consideration the new extent of land brought under the plough after 1802. We have decided the portion to which the zamindar is entitled and from that we have made necessary deductions. There cannot be any objection to the procedure that Government have adumbrated.

4-30 p.m. " The question of the mode of payment has been discussed; whether it should be in cash or in bonds or securities; this is being discussed by the Government with the Government of India and we shall try to evolve a formula which will be reasonable. Our capacity to pay in cash will depend upon our raising a loan in the market and probably we shall have to issue debentures for periods covering 20 to 30 years; I am not committing Government to any particular course of action. We will go fully into the question and decide. For the present, it has been provided that the manner will be determined according to the rules to be placed before the House.

"There has been a criticism regarding private lands as to why they should be given over to zamindars. The word 'private land' is used in a sense different from its normal connotation in ordinary terminology. According to the Estates Land Act of 1908 amended by the Act of 1936, the precise definition of the words 'private lands' has been given and that was the land cultivated by the zamindar from 1896 till to-day without interruption. This is the position according to the latest decision of the Privy Council and the highest courts of the land. This is really a very stiff definition and you cannot be going on adding to it further. Further the extent of these private lands is not very much in the presidency. Except in one or two estates, in all the others it does not extend to even a hundred acres. But then there will arise the question: 'Why not a top limit be fixed to the extent of these lands?' But with regard to placing a top limit, I may tell you that in the ryotwari areas there are people who own 9,000 acres in the delta areas and there are others owning less. Without touching them, that we should touch the zamindars who have got such private lands will be iniquitous and unjust. Government have, therefore, under consideration the question whether it should not be made a universal question and that is a matter which will be dealt with in a different Bill.

"The question of inams has been very hotly debated upon both in the press and on the platform and even on the floor of the Legislative Chambers. I would like to tell you that there is a law in this country and it is not for Government to go behind it. That law is that those whole inam villages which were declared to be estates under the Act of 1936, should continue to be estates. This is a Bill for the abolition of estates and not merely the zamindaries or inams. If some inams were estates 12 years ago, we cannot gainsay that fact to-day and fail to include them in the present Bill. It does not stand to reason. We cannot abrogate an Act passed 12 years ago and further, there are difficulties. As a result of that Act, certain rights were given to occupancy tenants and they got rights of inheritance, gift and everything else. What will be the position if you want to go back, and what will become of all rights they have been enjoying all these years? It will be unjust on our part to upset the present position and therefore, I am very sorry we cannot exclude them from the scope of the Bill.

"Regarding charitable inams, you are aware, Sir, that we have provided for the payment of annual grants for charitable institutions which we have incorporated in the Rent Reduction Bill. Similar clauses will be introduced in this Bill also. Minor inams have got a connotation in the land revenue system of this presidency different from what is ordinarily loosely understood; whole inams do not cover all the inam areas in the presidency and comprises an area of nearly 34 lakhs of acres of land, leaving outside, thirty-eight lakhs of acres of minor inams.

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All these 34 lakhs of acres which form whole inam villages were divided and subdivided on account of the law of inheritance, the Mitakshara Law and there are people who own five acres or ten acres and it is very difficult to say that they are big landlords and are intermediaries. What is to be done in their case? Law is mightier than justice and justice is the law of the land. Because he owns only five or ten acres, the man under him who is poorer could not be sacrificed. But Government are prepared for some concession in that matter. One is that if he was himself cultivating the land and there were no occupancy tenants he can get the ryotwari pattah. If he is really an agriculturist let him get the benefit and nobody is worried. If he were not a cultivator himself, we can also tackle the question by giving him better compensation on a basis different from the one adopted for others in the Bill. The matter can be considered in the Select Committee and some decision can be arrived at.

" There are provisions for tribunals under the Bill and they are under clauses 5, 8 and 14. There was a criticism that the Tribunals under clause 5 should be enlarged or that their composition should be changed. I would like to tell the House that no purpose would be served by that means. People who know about survey and settlement alone can determine the nature of these private lands. We have given representation to the landholders and to the ryots; this is more or less a tripartite affair. Those people can sit, consider and determine whether the land is a private land or not. We know the whole thing clearly and in our mind there is no difficulty about the matter. But if still the Select Committee will be in favour of a change in the personnel, the Government are prepared to consider that point also and see if the question would be an improvement over the present position.

" Regarding mines, forests and the rest, the charge was laid that not only were we paying for cultivated land but for cultivable land also, which means the potential value of the land. That is not the intention of Government and if the section requires any improvement, we will be prepared to consider it in the Select Committee.

" The other matters in the Bill are only consequential and if we agree to the main principles of the Bill, there will be no difficulty to proceed with the Bill and there should be no reason why we should delay the Bill. There is a great outcry in the country for the abolition of the zamindaris; people really feel in certain quarters that this Bill is being delayed. It is not the case; we are taking all possible steps to make it law at the earliest possible moment. Any improvements suggested will be taken into consideration by Government and the Bill will be brought before you again after passing through the Assembly."

The motion was carried, and the following names were approved :—

(1) The Hon. Sri O. P. Ramaswamy Reddiar,
(2) ,, Dr. T. S. S. Rajan,
(3) ,, Sri K. Madhava Menon,
(4) Sri P. Veerabhadraswami,
(5) Sri A. Govindacharyulu,
(6) Sri N. Ranga Reddi,
(7) Sri S. Jayarama Reddi,
(8) K. Uppi Sahib Bahadur,
(9) Dr. Sir A. Lakshmanaswami Mudaliyar, and
(10) Sri Medai Dalavoi Kumaraswami Mudaliyar.

(3) A BILL[a] TO REGULATE THE USE OF WEIGHTS AND MEASURES IN THE PROVINCE OF MADRAS.

* THE HON. SRI K. MADHAVA MENON :—" Mr. President, I beg to introduce the Madras Weights and Measures Bill, 1947 and move under rule 111 of the Madras Council Rules that the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of 21 members to consider the Bill, 14 members from the Assembly and 7 members from the Council.

" There is no uniformity in the weights and measures now in use in various parts of the Province. The question of taking steps to prescribe and enforce a uniform system of weights and measures was considered on several occasions. In 1928, the Jewellers Weights Committee recommended that Government should introduce legislation. The Government decided that a Bill should be prepared to provide for the stamping of all weights and measures and prohibiting the use of those unstamped, for the licensing of manufacturers of weights, etc., and for inspection and power to destroy inaccurate weights. The difficulties in the way of the proposed legislation were however considered insuperable and the proposal to proceed with the legislation was dropped in 1932. In 1936, the question whether legislation for standardizing weights and measures should be undertaken in this Province, was referred to a sub-committee of the Provincial Economic Council. This Committee decided that the matter might be deferred until after the inauguration of the new constitution.

" The constitutional position under the Government of India Act, 1935, is that ' Establishment of Standards of Weights ' is a central subject while ' Weights and Measures ' is a provincial subject. So far as weights are concerned, it is for the Central Government to prescribe standards. The enforcement of the use of weights based

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